

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-13 and 15-22 are pending in the present application. Claims 1 and 12 are amended and Claims 23 and 24 are cancelled by the present response.

Support for amendments to the claims can be found, at least, in page 13, line 25 to page 14, line 12. Thus, no new matter is added.

In the outstanding Office Action, Claims 23 and 24 were rejected under 35 U.S.C. §102(e) as anticipated by Lawler (U.S. Pat. No. 5,758,259); Claims 1, 2, 5-8, 10-13, 16-19, 21 and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over Lawler in view of Scarampi (U.S. Pat. No. 4, 931,865); Claims 4 and 15 were rejected under 35 U.S.C. §103(a) as unpatentable over Lawler and Scarampi in further view of Ellis et al (U.S. Pat. No. 2003/0149988, herein Ellis); and Claims 9 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Lawler and Scarampi in further view of Applicants' Admitted Prior Art (AAPA).

With respect to the rejection of Claims 23 and 24 under 35 U.S.C. §102(e) as anticipated by Lawler, Claims 23 and 24 have been cancelled. Accordingly, Applicants respectfully submit that the rejection to Claims 23 and 24 is moot. Thus, Applicants respectfully request that the rejection with respect to these claims be withdrawn.

Addressing now the rejection of 1, 2, 5-8, 10-13, 16-19, 21 and 22 under 35 U.S.C. §103(a) as unpatentable over Lawler in view of Scarampi, that rejection is respectfully traversed.

Amended Claim 12 recites, in part

determining the current direction of view of at least one eye of the user with respect to the display unit, in each case, by a direction-of-view-determining module of the respective communications terminal,

...determining viewed spots of the video objects and/or picture objects by a direction-of-view-evaluation module of the media center on the basis of the determined current direction of view,

determining picture objects which are in each case located at these spots and viewed by the user of the respective communications terminal by the direction-of-view-evaluation module on the basis of video objects and/or picture objects which have been transmitted from the media center over the communications network to the respective communications terminal

Claim 1 recites similar features with regard to the viewed spots.

Lawler describes an automated selective programming guide in which a user preferences table is established and compared to video programming available at a selected time. Further, in Lawler, the automated programming guide identifies as the preferred program the video programming available having the greatest degree of correlation with user preferences.

Nonetheless, as acknowledged by the outstanding Action on page 5, Lawler does not describe or suggest a direction-of-view-evaluation module. In addition, Applicants respectfully submit that Lawler does not describe or suggest determining viewed spots of the video objects and/or picture objects by a direction-of-view-evaluation module of the media center on the basis of the determined current direction of view or determining picture objects which are in each case located at these spots and viewed by the user of the respective communications terminal by the direction-of-view-evaluation module on the basis of video objects and/or picture objects which have been transmitted from the media center over the communications network to the respective communications terminal.

The outstanding Action relies on Scarampi as curing the deficiencies of Lawler with regard to the claimed invention.

Scarampi describes detecting from light reflections in a viewer's eyes, whether or not a television screen is looked at by the viewer.¹ Through clock time correlation, Scarampi determines which person and how many persons view a commercial or any particular segment of a broadcast on any particular television channel.² According to Scarampi this information is used by broadcasters to determine the degree and level at which viewers actually view parts of broadcast programming.³

However, Scarampi does not describe or suggest determining *the current direction of view of at least one eye of the user with respect to the display unit*, in each case, by a direction-of-view-determining module of the respective communications terminal.

Further, Scarampi does not describe or suggest determining **viewed spots of the video objects and/or picture objects** by a direction-of-view-evaluation module of the media center on the basis of the determined current direction of view or determining **picture objects which are in each case located at these spots and viewed by the user** of the respective communications terminal.

In other words, Scarampi does not make any reference to determining: the current direction of view with respect to the display unit, the viewed spots of the video objects and/or picture objects on the basis of the current direction of view and the picture objects located at these spots and viewed by the user of the respective communications terminal.

In contrast, Scarampi merely describes detecting from light reflection in a viewer's eyes, whether or not a television screen is being looked at by the viewer. There is absolutely no reference in Scarampi to determining viewed spots of video objects and/or picture objection displayed to the user or to determining picture objection located at these spots and as a result viewed by the user.

¹ Scarampi, col. 6, lines 61-65.

² Scarampi, col. 5, lines 49-55.

³ Scarampi, col. 5, lines 55-61.

Thus, the claimed invention includes features not described or suggested in the Lawler and Scarampi references. As a result, the claimed invention provides the advantage that user interest profiles can be determined based on individual picture objects located within the display media objects that are actually viewed by a user. Thus, the claimed invention enables a more detailed and specific assessment of user interests. This advantage is not provided by the combination of Lawler and Scarampi.

Moreover, none of the further cited Ellis and AAPA cure the above noted deficiencies of Lawler and Scarampi with respect to the above noted features.

Accordingly, Applicants respectfully submit the amended Claims 1 and 12 and claims depending therefrom patently distinguish over the cited Lawler and Scarampi references considered individually or in combination.

Should the Examiner have any further questions regarding this application, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number

Additionally, Applicants again respectfully request that reference “AW” found at the bottom of the IDS filed 2/20/02 and the references “AW” and “AX” found at the bottom of the IDS filed 1/30/2006 be acknowledged.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

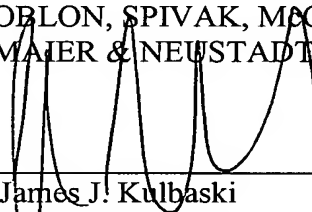
Respectfully submitted,

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

OBLON, SPIVAK, MACLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648